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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,797	09/22/2003	Kenneth J. Brown	81497/LPK	9566

7590 03/24/2005

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EXAMINER
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ROYER, WILLIAM J

ART UNIT	PAPER NUMBER
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2852

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/667,797

**Applicant(s)**

BROWN ET AL.

**Examiner**

William J. Royer

**Art Unit**

2852

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9, 11-26 and 28-34 is/are allowed.
- 6) ☒ Claim(s) 10 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

***Specification***

The disclosure is objected to because of the following informalities:

On page 7, line 23, after "apparatus" insert --- 10 ---.

On page 8, line 1, change "the transport" to --- a transport ---.

On page 8, line 20, change "element" to --- member ---.

On page 9, line 112, change "member, with" to --- member 22, with ---.

On page 9, line 16, after "fuser roller" insert --- 32 ---.

On page 9, line 26, change "photoconductor" to --- photoconductive ---.

On page 9, line 27, after "members" insert --- 22 ---.

On page 10, lines 2 and 12, after "members" insert --- 22 ---.

On page 10, line 10, change "photoconductor element" to --- photoconductive member ---.

On page 10, lines 10-11, delete --- oil bearing ---.

On page 10, line 11, after "receiver" insert --- member ---.

On page 10, lines 12 and 20, after "apparatus" insert --- 10 ---.

On page 10, line 23, change "elements" to --- members 22 ---.

On page 10, line 25, change "photoconductor" to --- photoconductive ---.

On page 10, line 28, change "element" to --- member ---.

On page 11, lines 13 and 32, after "members" insert --- 22 ---.

On page 11, lines 22 and 24, change "photoconductor element" to --- photoconductive member ---.

On page 11, line 26, after "apparatus" insert --- 10 ---.

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On page 12, lines 9 and 10, after "member" insert --- 14 ---.

On page 12, line 17, after "blade" insert --- 42 ---.

On page 12, line 20, after "apparatus" insert --- 10 ---.

On page 12, line 22, after "apparatus" insert --- 10, 11 ---.

On page 12, line 28, after "apparatus" insert --- 11 ---.

On page 13, line 14, change "the transport" to --- a transport ---.

On page 13, line 24, after "member" insert --- 22 ---.

On page 14, line 2, change "element" to --- member ---.

On page 14, lines 8 and 15, change "intermediate" to --- receiver ---.

On page 14, lines 11 and 26, after "member" insert --- 22 ---.

On page 14, line 31, change "roller. After" to --- roller 32. After ---.

On page 15, lines 8 and 30, change "photoconductor" to --- photoconductive ---.

On page 15, lines 9, 16 and 26, after "members" insert --- 22 ---.

On page 15, line 13, after "of" insert --- a ---.

On page 15, lines 24-25, delete --- oil bearing ---.

On page 15, line 26, after "apparatus" insert --- 11 ---.

On page 16, line 4, delete --- oil bearing ---.

On page 16, line 5, after "apparatus" insert --- 11 ---.

On page 16, line 7, after "jams" insert --- of ---.

On page 16, line 8, change "elements" to --- members 22 ---.

On page 16, line 8, change "that" to --- when ---.

On page 16, line 27, after "intermediate" insert --- transfer ---.

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On page 16, line 30, after "members" insert --- 22 ---.

On page 17, line 11, after "apparatus" insert --- 11 ---.

On page 17, line 18, after "members" insert --- 22 ---.

On page 17, line 21, change "web" to --- belt ---.

On page 17, line 27, change "member (or intermediate member)" to --- member 14 (or intermediate transfer member 15) ---.

On page 17, line 28, change "member (or intermediate" to --- member 14 (or intermediate transfer ---.

On page 17, line 29, after "member" insert --- 15 ---.

On page 18, line 4, after "blade" insert --- 42 ---.

On page 26, line 2, change "Preventing the" to --- In order to prevent an ---.

On page 26, line 3, change "oil. A" to --- oil, a ---.

On page 26, line 4, change "of the" to --- of ---.

On page 26, line 4, change "from the" to --- from a ---.

On page 26, line 5, change "onto the" to --- onto a ---.

Appropriate correction is required.

### ***Claim Objections***

Claims 1-3, 6, 9-12, 15, 18-20, 23, 26-29 and 32 are objected to because of the following informalities:

Claim 1, line 9, delete --- said ---.

Claim 2, line 2, after "charged" insert --- pigmented ---.

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Claim 3, line 13, change "removing said" to --- removing ---.

Claim 6, line 3, before "marking" insert --- charged pigmented ---.

Claim 9, line 7, after "onto" insert --- said intermediate transfer member in ---.

Claim 9, line 10, delete --- said ---.

Claim 10, line 2, before "marking" insert --- pigmented ---.

Claim 11, line 2, after "charged" insert --- pigmented ---.

Claim 11, line 2, after "intermediate" insert --- transfer ---.

Claim 12, line 14, delete --- said ---.

Claim 15, line 3, before "marking" insert --- charged pigmented ---.

Claim 18, line 7, delete --- said ---.

Claim 19, line 2, after "charged" insert --- pigmented ---.

Claim 20, line 11, change "removing said" to --- removing ---.

Claim 23, line 3, before "marking" insert --- charged pigmented ---.

Claim 26, line 6, after "member" insert --- in ---.

Claim 26, line 9, delete --- said ---.

Claim 27, line 2, after "charged" insert --- pigmented ---.

Claim 28, line 2, after "charged" insert --- pigmented ---.

Claim 29, line 12, change "removing said" to --- removing ---.

Claim 32, line 2, before "marking" insert --- charged pigmented ---.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

*The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.*

Claims 10 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10, lines 2-3, "said photoconductive member" lacks proper antecedent basis.

Claim 27, lines 2-3, "said photoconductive member" lacks proper antecedent basis.

### ***Allowable Subject Matter***

Claims 1-9, 11-26 and 28-34 are allowable over the prior art of record because the prior art of record fails to teach or suggest a method of controlling fuser release oil contamination in an electrostatographic reproduction apparatus by depositing charged pigmented marking particles on a photoconductive member or an intermediate transfer member, and removing the charged pigmented marking particles thereby removing fuser release oil.

Claims 10 and 27 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

***Relevant Prior Art***

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kubo '314, Kubo et al '790, Kubo '447, Kubo et al '873, Staudenmayer et al, Watanabe et al, Fuchiwaki et al '136 and Fuchiwaki et al each disclose an image forming apparatus which prevents fuser oil contamination from occurring in the image forming apparatus.

***Contact Information***

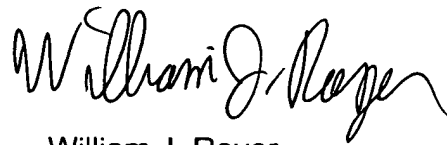
Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Royer whose telephone number is (571) 272-2140. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur T. Grimley can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "William J. Royer". The signature is fluid and cursive, with a long, sweeping tail on the last letter.

William J. Royer  
Primary Examiner  
Art Unit 2852

wjr  
March 16, 2005